

# NATIONAL GOVERNMENT JOURNAL, AND REGISTER OF OFFICIAL PAPERS. [JULY 10, 1824.]

VOL. I. NO. 36.]

## State Papers.

*Message from the President of the United States, transmitting information in relation to the present state of the Commercial Intercourse between the United States and Portugal.*

To the Senate of the United States:

I communicate herewith, to the Senate, a Report from the Secretary of State with the documents relating to the present state of the Commercial Intercourse between the United States and Portugal, requested by the Resolution of the Senate of the 13th ultimo. [See fol. 355.]

Washington, 7th May, 1824.

JAMES MONROE.

DEPARTMENT OF STATE, Washington, 6th May, 1824.

The Secretary of State, to whom was referred the Resolution of the Senate of the United States of the 13th of April last, [See fol. 355.] requesting that the President would cause to be communicated to the Senate, so much of the correspondence of the Minister of the United States at the court of Lisbon with the government of Portugal, as has reference to the commercial relations between the two countries, together with such other information, connected therewith, as might be in possession of the Government; and which, in his opinion, might, without injury to the public interests, be made known, has the honour of submitting to the President the papers required by the said Resolution.

JOHN QUINCY ADAMS.

### LIST OF DOCUMENTS.

Mr. Adams to General Dearborn, 25th June, 1822.

Mr. Correa de Serra to Mr. Adams, 4th June, 1820. Copy.

Same to same, 8th

Same to same, 16th July.

Mr. Adams to Mr. Correa de Serra, 20th.

Mr. Correa de Serra to Secretary of State, 26th August.

Mr. Adams to Mr. Correa de Serra, 30th September.

Mr. Correa de Serra to Mr. Adams, 9th November.

Mr. Amado Grehon to same, 4th Dec. with enclosures. Translations.

Same to same, 14th, with an enclosure. Translation.

Same to same, 1st April, 1822. Translation.

Mr. Adams to Mr. Grehon, 30th April. Copy.

Mr. Grehon to Mr. Adams, 3d May. Translation.

Same to same, 5th May.

General Dearborn to Mr. Adams, 28th August. Extract.

Same to same, 10th October.

Project of Convention. Copy.

General Dearborn to Mr. Adams, 13th December. Extract.

Same to same, 30th January, 1823.

Same to same, 20th February.

Same to same, 3d March.

Same to same, 24th March.

Same to same, 4th June.

Same to same, 29th June.

Same to Count de Lapa, 8th March. Copy.

Count de Lapa to General Dearborn, 12th March.

General Dearborn to Mr. Pinheiro, 18th April.

Mr. Pinheiro to General Dearborn, 2d May. Translation.

General Dearborn to Mr. Adams, 15th July. Extract.

Same to the Marquis Palmella.

Marquis de Palmella to General Dearborn, 10th July. Translation.

General Dearborn to Mr. Adams, 21st July. Extract.

Same to same, 25th October.

Same to same, 7th November.

Same to Marquis Palmella, 7th November. Copy.

Same to Mr. Adams, 27th November. Extract.

Project of a Treaty.

General Dearborn to same, 26th January, 1824. Extract.

Same to same, 4th March. Extract.

Mr. Adams to General Dearborn.

General H. DEARBORN, appointed Envoy Extraordinary and Minister Plenipotentiary to the Court of Portugal, at Lisbon.

DEPARTMENT OF STATE, Washington, 25th June, 1822.

SIR: The political and commercial relations between the United States and Portugal, have always been of an interesting character. By the revolution in the government of that country, recently consummated, and by the return of the king, and part of his court and family, to Europe, they have been, and may be further affected in a manner to require the agency of a person, not only generally conversant with the intercourse which has heretofore subsisted between the two countries, but by long experience in the public affairs of this Union, and a familiar acquaintance with its interests, qualified to represent them at a time, and under circumstances in many respects critical. Fully acquainted with your long and faithful services to this Union in some of its highest trusts, the President has been induced, by these considerations, to invite your co-operation again in the public service, and has learnt, with great satisfaction, your acceptance of the appointment of Envoy Extraordinary and Minister Plenipotentiary to Portugal.

Independently of the changes in the diplomatic relations of the two countries, which have resulted from the removal of the King from Rio de Janeiro to Lisbon, other accidental circumstances have concurred to cause some irregularity

and disorder in them. In the spring of the year 1819, Mr. John Graham was appointed Minister Plenipotentiary of the United States to the court of Brazil, to succeed Mr. Thomas Sumpter, Junr. who had resided there in that capacity almost from the time of the transfer of the Portuguese Government thither, Mr. Graham, within little more than a year from the time of his departure on that mission from the United States, was compelled to return home, and barely lived to reach this country.

About the same time, the Chevalier Correa de Serra, who had for several years resided as the Minister Plenipotentiary of Portugal in this country, was re-called, and left the United States. A resolution of the Senate of the United States, in March, 1821, recommended to the President the appointment of a Minister to the Court of Brazil, but the return of the King of Portugal to Europe, very shortly afterwards, rendered the compliance with this resolution unavailing.

The departure of that prince from Rio de Janeiro, had been preceded by various movements of a revolutionary character, as well there, as in Portugal. He had, immediately before embarking, appointed as his Minister to the United States, the person who, since his arrival in Europe, has acted as his Secretary of State for Foreign Affairs. And it appears that, since the revolution there, which has invested the Cortes with a principal portion of the sovereign authority, the policy of maintaining Ministers of the Plenipotentiary rank from that country, has been suspended. A Charge d'Affaires has been appointed to repair to Washington, but has not yet arrived. In the mean time, that office has been discharged by the Chevalier Amado Grehon, who had been Secretary of Legation to Mr. Correa, and recently a Mr. Dacosta has been here, and announced himself as attached to the Legation, and to exercise the powers of Consul General.

The usual diplomatic intercourse between the United States and Portugal has thus been for the last three years in a great measure suspended: Nor is it probable that the mission of the United States now instituted, will be of long duration. There are objects, political and commercial, which require its most serious attention, and which it is hoped may be adjusted satisfactorily to both countries, by your intervention.

After the invasion, by the Brazilian Portuguese government of Montevideo, and the eastern shore of the River La Plata, a revolutionary government, under the name of the Oriental Republic of La Plata, and subject to the authority of a military chief, named Artigas, for several years maintained a defensive war, at once against them, and against the rival Revolutionary Republic, styled the United Provinces of La Plata. The latter, the seat of government of which was at Buenos Ayres, never came to a state of declared war with Portugal, but the Republic of Artigas did, and that commander issued commissions for privateers and letters of marque, against the Portuguese, under which the commerce of that nation was, for three or four years, much annoyed. Of the captures made by these privateers, several were brought into the ports of the United States, and frequent complaints were received from Mr. Correa, that some of the privateers were fitted out within the United States, and partly manned by their citizens. To these complaints every attention, compatible with the rights of the citizens of the United States, and with the laws of nations, was paid by this government. The laws for securing the faithful performance of the duties of neutrality were revived and enforced. Decrees of restitution were pronounced by the judicial tribunals in all cases of Portuguese captured vessels, brought within the jurisdiction of the United States: And all the measures, within the competency of the Executive, were taken by that department of the government, for repressing the fitting out of privateers from our ports, and the enlisting of our citizens in them.

These measures, however, do not appear to have been altogether satisfactory to the Portuguese government, doubtless, because they were not sufficiently understood by them. Shortly before the Chevalier Correa de Serra left the United States, he addressed to this department several notes, copies of which, as well as of two subsequent notes from Mr. Amado, are herewith enclosed, containing lists of Portuguese vessels captured by privateers, alleged to have been fitted out in the United States, or partly officered and manned by citizens of this country. To these lists were added claims of indemnity to a large amount upon the United States, for the value of these vessels and cargoes; and with them was connected a demand for the appointment of a joint commission, to be appointed by the two governments, to determine and assess the amount of damages to be paid by the United States for these captures. As there was no precedent for the appointment of such a commission under such circumstances, and as not a single case of capture had been alleged, for which the United States were justly responsible, this proposal was, of course denied; and nothing further was heard upon the subject, until the 1st of April last, when a note was received from the present Charge d'Affaires of Portugal, leading to a correspondence, copies of which are now furnished you.

Among the first and most important objects of your mission, will be the charge of reviewing the whole course of this correspondence, from the time when the proposition for the appointment of Commissioners was made by the Chevalier Correa de Serra. The President wishes that this service should be performed in the most conciliatory manner, and with all possible regard to the feelings of the Portuguese Government.

It will, however, not be necessary that you should commence the correspondence with them. The menace of retaliation by commercial regulations favouring the trade of other nations, it can scarcely be supposed was intended to be carried into effect; for it would not be less impolitic than unjust; and with the experience which they have of the pernicious consequences of granting favours to one nation to the detriment of others, it is incredible, that, under a Government in which the public interest is felt through the medium of a popular representation, resentments, in themselves so unfounded, should be indulged, by measures so injudicious and self-annoying.

You will, nevertheless, attentively watch, and forthwith report, any measure



which may be adopted, or even specifically contemplated, of that character; and you will observe the disposition and temper of understanding between the Portuguese Government, as now constituted, and those of the other powers of Europe. It is believed that they have no Ministers, at present, residing in any part of Europe, nor Ministers from any European Government residing with them. Some of the allies have not yet recognized their revolutionary movement, and all have manifested, in some form, their dissatisfaction with it. These prejudices, it is probable, will gradually subside, and the usual intercourse between them and the rest of Europe, will be restored. While its interruption continues, it is scarcely to be apprehended that they will adopt measures of rigor and injustice towards the nation which is the first to sympathize with them.

With regard to the proposal contained in the letter from Mr. Almado, of the 1st of April, of a treaty of commerce, in which special advantages shall be granted to the United States, even if it were offered by itself, and separately from the inadmissible condition connected with it, we should not consider it as desirable, or compatible with the true policy of either nation. We have never sought exclusive advantages in our treaties with any foreign nation. The policy of the United States, on the contrary, has invariably been, to form its commercial institutions and engagements on the broadest and most liberal principles of reciprocity. We are neither solicitous, nor unwilling to treat with Portugal upon subjects of commerce; but if we do treat, it must be upon those principles, and in conformity with them. The convention of 3d July, 1815, with Great Britain, so far as it goes, exhibits the system upon which we are desirous of settling our commercial arrangements with other nations, and the only one upon which we should be inclined to treat with Portugal.

We have seen in the public journals, accounts purporting some dissatisfaction in the Island of Madeira, at the rates of duties levied in the United States upon its wines. They are, however, moderate when considered in reference to the comparative prices of the article; and still more so, when compared with the duties levied upon the same article in Great Britain. There is, indeed, no other country, except Great Britain, which imports and consumes the wines of Madeira, in quantities comparable to those taken by the United States.

The connection between the kingdom of Portugal and that of Brazil, has already been greatly affected by revolutionary movements in both countries. It can scarcely fail, within no distant period, to be more so. It is not conceivable that Brazil should ever again be subjected to the colonial state, nor is it likely long to submit to any direct control from a Government so distant from it. Information of the proceedings of the Cortes on this subject, especially so far as they may affect our commercial intercourse with Brazil, will be desirable, whenever, and with as much accuracy as you can obtain it.

I am, with great respect, sir, your very humble and obedient servant,  
JOHN QUINCY ADAMS.

## ENCLOSURES.

Mr. Correa de Serra to the Secretary of State, 4th June, 1820, 8th June, 1820; 16th July, 1820; 26th August, 1820; and 9th November, 1820.

Mr. Amado to the Secretary of State, 4th December, 1820; 14th December, 1820; 1st April, 1822; 3d May, 1822; and 5th May, 1822.

Secretary of State to Mr. Correa de Serra, 20th July, 1820; and 30th September, 1820.

Mr. Amado to the Secretary of State, 30th April, 1822.

Mr. Joseph Correa de Serra to the Secretary of State.

PHILADELPHIA, 4th June, 1820.

SIR: Mr. Joachim Barozzo Pereira, appointed by my Sovereign, Consul General of Portugal, in these United States, is arrived in Philadelphia, and has shown to me his commission, accompanied by the official communication from the Minister for Foreign Affairs. I have, consequently, the honour of presenting him to this Government, in that capacity, and request the exequatur of the President to his commission. I present, also, Mr. Henry Hutton, as Vice-Consul of Portugal, in the port of New-Orleans, and all the others of the United States in the Gulf of Mexico, and request the necessary exequatur.

Permit me, sir, to profit of this occasion, to offer my thanks to this Government for the law that prohibits the entrance of privateers in the most important ports of the Union, and for the other that declares piracy the landing and committing outrages ashore on foreign lands. I acknowledge the salutary influence of the Executive in obtaining these ameliorations. The courts of justice also seem to take a more adequate view of the practices about which I have been forced to importunate this Government by my reiterated complaints. At least, henceforward, those who engage in such pursuits will have in prospect a lesser chance of impunity.

Undoubtedly, the aforesaid provisions will diminish the evil, but something remains still to be done to suppress it entirely. In the full persuasion of the sincere wishes of this Government to put a final stop to practices so contrary to the friendly intercourse between our two nations, I propose to have the honour of submitting to your consideration my views on this subject, in the occasion of personally paying my respects to you, and taking my leave previous to my visit to the Brazil.

I beg the acceptance of the renewed assurances of the high consideration and respect, with which I am, your most obedient servant,

JOSEPH CORREA DE SERRA.

Mr. Joseph Correa de Serra to the Secretary of State.

PHILADELPHIA, 8th of June, 1820.

SIR: I think it my duty to represent to this Government, that the Portuguese ship Montalegre was brought to Baltimore twenty-two months ago, a prize to a so called Artigan privateer, and has been all this time the subject of litigation with the Artigan captors, American citizens. Past things are not intended to be in any way the object of this communication, but merely the prevention of future evil. In the first of this month this ship was sold by judicial authority in Baltimore, under the hammer, to Captain Chase, a notorious privateersman,

standing under an indictment of piracy. It is to be immediately fitted as a privateer, (and a formidable one it will prove by its size and strength, which are those of a good frigate) to cruise against the Portuguese Indiamen, and the command of it to be given, as it is assured, to the notorious Captain Taylor.

I have not the least doubt that the Supreme Executive of this nation has both the power and the will of putting a stop to this hostile armament, particularly when, as in this case, he has timely information, which will be successively put under his eyes, at every stage of this inimical attempt on the Portuguese commerce.

I beg you to accept the renewed assurances of my high consideration and respect,  
JOSEPH CORREA DE SERRA.

Mr. Joseph Correa de Serra to the Secretary of State.

WILMINGTON, 16th July, 1820.

SIR: I am ordered by my Sovereign to lay before this Government the names and value of nineteen Portuguese ships, and their cargoes, taken by private armed ships, fitted in the ports of the Union by citizens of these states. The values have been ascertained by the proper courts of justice, and revised with all care and attention by the Royal Board of Commerce. In proportion as the value of the other ships stolen is in the same manner ascertained, their names, and the amount of losses, will be laid before this Government.

His Majesty, consistently with his friendly and equitable sentiments towards the United States, wishes that this affair be treated with all that candour, and conciliating dignified spirit, that becomes two powers, who feel mutual esteem and have a proper sense of their moral integrity. In this spirit, I have the honour to propose to this Government to appoint Commissioners on their side, with full powers to confer and agree with his Majesty's Ministers in what reason and justice demand. It is not expected that a Government who, in every occasion, has so steadily and nobly protected the just pretensions of his own citizens, like that of the United States, may have the least difficulty in concurring with such candid views of a Sovereign, who feels equally with them what he owes to himself in the protection of his subjects.

The ships are the following: 1. D. Pedro de Alcantara. 2. S. Joao Baptista. 3. D. Miguel Torjaz. 4. Sa. Maria Vencedora. 5. Thalia. 6. S. Joao Protector. 7. Montalegre. 8. Luiza. 9. Logo the Direy. 10. Lord Wellington. 11. Ninfa de Lisboa. 12. General Sampaio. 13. Perola. 14. Paquete de Porto. 15. Conde de Cavalleiros. 16. Globo. 17. Carlota. 18. Flora. 19. Sra. da Piedade.

The amount of their value which is reclaimed, is four hundred ninety-two thousand nine hundred eighteen milreas, which, at the common and general rate of the milreas in your market, is equal to six hundred sixteen thousand one hundred fifty-eight dollars.

I am proceeding to an excursion in the mountains, at the end of which I intend having the honour of seeing you in Washington. The reason of my mentioning this is, because a written answer, which you might possibly give to this communication, would naturally miss me.

I beg you, sir, to receive the assurances of the high consideration and esteem with which I am, your most obedient servant,

JOSEPH CORREA DE SERRA.

Mr. Adams to the Chevalier Joseph Correa de Serra.

DEPARTMENT OF STATE, WASHINGTON, 20th July, 1820.

SIR: I have had the honour of receiving your notes of the 4th and 8th ult.

The exequaturs for Mr. Pereira, as Consul General of Portugal, and of Mr. Hutton, as Consul at New-Orleans, and the other ports of the United States in the Gulf of Mexico, have been made, and transmitted to you.

The acts of Congress to which you refer, in the first of these notes, may be justly considered as affording the most decisive proofs of the determination, both of the Legislature and the Executive, to discharge, with the utmost fidelity, all their duties towards friendly nations, and particularly towards that whose representative you are. In remarking that the section of the statute for the further punishment of piracy, which brings the landing and committing acts of robbery on a foreign shore, within the definition and penalties of that crime, was obviously suggested by a case of that description, which had occurred in a Portuguese Island. I take satisfaction in the assurance that your government will perceive in that provision, a proof of the earnestness with which the U. States cherish the most friendly dispositions towards your country.

It will give me pleasure to receive any further communication, verbal or written, from you, which may contribute towards the same effect; and I am authorized to assure you, that, upon the information contained in your note of the 8th instant, such measures have been, and will continue to be taken, under the direction of the President, as are within the competency of the executive, and may serve to maintain inviolate the laws of the United States, applicable to the case.

I avail myself of this opportunity of renewing to you, the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. Correa de Serra, to the Secretary of State.

WASHINGTON, 26th August, 1820.

SIR: In consequence of the wish you expressed in our last interview, I have the honour of transmitting to you the names of the officers of the Navy of the United States, who, in October, 1818, embarked and served on board the armed schooner General Artigas, Captain Ford, under the so called Artigan flag, and cruized for many months on the coast of Brazil, capturing several Portuguese ships, amongst others, the Sociedade Feliz, which was brought to Baltimore. Their names are, Lieutenants Peleg and Dunham, of Rhode Island; Midshipmen Augustus Swartout, of New-York, Benjamin S. Grimke, of South Carolina.

The griefs against the particular judges, who, I believe, have disgraced the commission they have from the United States, shall be laid before you, as soon as I am returned to Philadelphia, and looked into my papers.

I am perfectly sure that a candid and friendly examination of this unpleasant



business cannot fail of bringing a mutual accord, such as both our governments wish; and therefore, according to what I asked in my notes from Philadelphia, and your offer in that of the 20th of last month, which I have received on my arrival here, I beg of you to fix the day and time most convenient to you, in which I may have the honour of meeting you, in order to put an end, as I hope, to all these causes of discontentment and discord, the work of unprincipled men, and so utterly opposite to the harmony and good understanding, which is equally the intention and the interests of our two governments to maintain and cultivate. Accept the renewed assurances of my distinguished respect and consideration,

JOSEPH CORREA DE SERRA.

Mr. Adams to the Chevalier Correa de Serra.

DEPARTMENT OF STATE, WASHINGTON, Sept. 30, 1820.

SIR: The proposal contained in your note of the 16th of July last, has been considered by the President of the United States, with all the deliberation due to the friendly relations subsisting between the United States and Portugal, and with the disposition to manifest the undeviating principle of justice by which this Government is animated in its intercourse with all foreign Governments, and particularly with yours. I am directed by him to inform you that the appointment of commissioners, to confer and agree with the ministers of his most Faithful Majesty upon the subject to which your letter relates, would not be consistent either with the Constitution of the United States, nor with any practice usual among civilized nations.

The judicial power of the United States is, by their Constitution, vested in their supreme court, and in tribunals subordinate to the same. The judges of these tribunals are amenable to the country by impeachment; and if any Portuguese subject has suffered wrong by the act of any citizen of the U. States, within their jurisdiction, it is before those tribunals that the remedy is to be sought and obtained. For any acts of citizens of the United States, committed out of their jurisdiction, and beyond their control, the Government of the U. States is not responsible.

To the war in South America, to which Portugal has, for several years, been a party, the duty and the policy of the United States have been to observe a perfect and impartial neutrality.

The Government of the United States has neither countenanced nor permitted any violation of that neutrality by their citizens. They have, by various and successive acts of legislation, manifested their constant earnestness to fulfil their duties towards all the parties to that war; they have repressed every intended violation of them which has been brought before their courts, and substantiated by testimony conformable to principles recognized by all tribunals of similar jurisdiction.

But I am instructed to request that you would furnish me with all the documents upon which the complaints in your notes of the 16th of July, and 26th of August, are founded, as well relating to the vessels mentioned in the former, as to the naval officers in the service of the United States, and to the judges, whom, in the latter, you accuse of having, in your belief, disgraced the commissions which they bear. And I am further commanded to assure you, that if those documents shall be found to contain evidence, upon which any officer, civil or military, of the United States, or any of their citizens, can be called to answer for his conduct, as injurious to any subject of Portugal, every measure shall be taken, to which the Executive is competent, to secure full justice and satisfaction to your sovereign and his nation.

I pray you to accept the assurance of my distinguished consideration,

JOHN QUINCY ADAMS.

Mr. Joseph Correa de Serra to the Secretary of State.

NEW-YORK, November 9, 1820.

SIR: I have received, in due time, your official letter of the 30th September last, and though I found that there was much to reply on my side, I resolved, after mature consideration, to refer it to his Majesty's Ministers of State, who, no doubt, will give a convenient answer. Being now on the point of leaving this country, I thought it proper to inform you of this step, both of regard to this government, taking in this manner a respectful notice of your communication, and in order that, out of my silence, no belief may arise of any tacit acquiescence in the reasons that you exposed in it.

Accept, sir, the renewed assurances of my high consideration and respect,

JOSEPH CORREA DE SERRA.

[TRANSLATION.]—Chevalier Amado Grehon to the Secretary of State.

PHILADELPHIA, 4th December, 1820.

SIR: It falls to my duty to present to the Government of the United States, the enclosed abstract of a new case of piracy, which I have lately received from my Court; and to request of you to subjoin it, (that it may appear) to the list of others which has been presented to this Government by the Chevalier Correa, Minister Plenipotentiary of his most Faithful Majesty.

I embrace this occasion, to have the honour of testifying to you, Sir, my sentiments of esteem, and of respect, with which I am, your very humble and obedient servant,

JOSEPH AMADO GREHON.

Hon. JOHN Q. ADAMS, Secretary of State.

[TRANSLATION.]—Abstract from the Proces verbal, &c.

PHILADELPHIA, 4th December, 1820.

On the 5th of March, 1820, to the north of Cape St. Augustine, latitude 7 1-2 degrees south, the brigantine packet of his Most Faithful Majesty, named "The Infant D. Sebastiano," was attacked and pillaged by a brigantine pirate of American construction, with an "S" instead of a figure-head; armed with sixteen 24 pounders, and a crew of about a hundred men; the captain of which, who has lost a hand, the other officers, and three-fourths of the crew, are Americans, according to the formal evidence which has been given before the Intendant General of the Police of the Court and Kingdom of Brazil, by the officers,

crew, and passengers of the packet brig, who, after having been outraged and pillaged, have returned, in the same brig, to Rio de Janeiro.

JOSEPH AMADO GREHON,  
Charge des Affaires of H. M. F. Majesty.

[TRANSLATION.]—Chevalier Amado Grehon to the Secretary of State.

PHILADELPHIA, 14th December, 1820.

SIR: I have the honour of again transmitting to you an authentic copy of twelve claims, requesting you to add them to the list of others, which the Chevalier Correa de Serra, minister plenipotentiary of his most faithful majesty, presented to your Government.

I expect the honour of your answer to this note, and, also, to the former which I addressed to you, on the 4th instant, that I may be enabled to give an account to my Court.

I am, Sir, with all esteem, your very humble and obedient servant.

JOSEPH AMADO GREHON.

Hon. JOHN Q. ADAMS, Secretary of State.

### TRANSLATION.

TABLE of the general values claimed on twelve joint claims, from No. 52 to 63, (which are all that, from the 14th of December, 1819, to the present time, have been legalized by the respective claimants,) with a classification of the ships which have been taken and robbed by pirates, and extracted from the particular tables of each ship, as follows, from F 2 to F 4.

Names of Ships.	Names of Captains.	Port of Departure and destination.	Value of Ships.	Value of Freight.	Value of Goods.	Agto of Paper. of Sea risk.	Premium.	Total Claim.	Interest.
Sta. Maria Vencedora	Jose Joaquim de Lima	Pernambuco to Lisbon	4,000-000	17,977,777	6,607,552	308-690	136-691	7,053,233	2,959,405
Loxitania Filiz	John Jos. de Fensica	In the Island Gratoso	15,870-000	15,870-000	15,870-000	1,300-360	1,300-360	19,570,000	2,959,405
D. Miguel Forjaz	Miguel Theotonio	From Rio to Lisbon	17,977,777	6,026,630	1,755-891	1,755-891	1,755-891	32,164-072	2,959,405
Nymph of Lisbon	Augustine dos Santos	From Lisbon to the Para	3,977,775	3,977,775	3,977,775	490-990	490-990	5,308-220	2,959,405
Lord Wellington	Alex. Jos. Rodriguez	Do.	4,817,230	4,817,230	4,817,230	87-653	87-653	5,308-220	2,959,405
Monte Alegre	Joao Jos. Gonsalves	From Bahia to Lisbon	860-050	860-050	860-050	87-653	87-653	947-703	2,959,405
Raynaldos Mares	Joao de Silva Lima	Do.	2,885-525	2,885-525	2,885-525	87-653	87-653	2,885-525	2,959,405
4 Luza	Jno. Borges Pamplona	Lisbon to Maranham	5,641-253	5,641-253	5,641-253	87-653	87-653	5,641-253	2,959,405
4 Globo	Th. de V. Nova Ribro	Bombay to Lisbon	1,168-727	1,168-727	1,168-727	87-653	87-653	1,168-727	2,959,405
4 Logo the direi	Antonin Jose da Silva	Lisbon to Maranham	21,977,777	6,026,630	47,563,723	887-333	1,337-351	80,772-119	2,959,405

[TRANSLATION.]—Mr. Grehon to the Secretary of State.

WASHINGTON, 1st April, 1822.

SIR: I am about to repeat, in writing, all that I had the honour to communicate to you in the interview of Saturday last, as well in compliance with your request, as on account of its being in conformity with the orders of my Government, of which Verissimo Antonio Ferreira da Costa, attached to the legation, was the bearer; and by which I am empowered to notify and shew to the Government of the United States, and to the nation, what follows:

Office of the General Accountant of the Royal Junta of Commerce, Agriculture, Manufactures, and Navigation, 27th July, 1820.

The Accountant General FRANCISCO MORATO ROMA.

A true Copy.  
JOSEPH AMADO GREHON.



That the Portuguese Government has resolved to recognize the United States as its first ally, by a treaty which it is desirous of concluding, forthwith, for the purpose of giving every possible impulse to reciprocal commerce, and to the industry of the two nations, and to guard the national independence, which constitutes the most sacred of all rights, against the direct or indirect attacks of powers unfriendly to the constitution freely chosen by the people: but, as a fundamental principle of the said treaty, there should be a preliminary condition that the Government of the United States accede to the proposition made by the Chevalier Correa de Serra, Ex-minister Plenipotentiary of Portugal, in his note of the 16th July, 1820, of having recourse to commissaries chosen by both Governments, for the purpose of arranging the indemnities justly due to Portuguese citizens, for the damages which they have sustained, by reason of piracies, supported by the capital and the means of citizens of the United States: an essential condition, which, in this way, repairing the past, secures also the future.

That the Portuguese states, in the four quarters of the world, can offer to the United States the most important advantages of commerce; the more so, because the relations which the Portuguese Government is disposed to establish with that of the United States, are founded in a perfect union against the common enemies of their industry and of their independence.

But, if all efforts on the part of the Portuguese Government should be fruitless towards obtaining from that of the United States a just and reasonable indemnity, which England does not hesitate to make in analogous cases of unjust captures, the Portuguese Government is fully determined to resort to the right of reprisals, and to adopt proper measures to indemnify itself for the losses which have been occasioned to their commerce by the acts complained of, as it has been manifestly made to appear, in the face of the world, that unworthy citizens of the United States have been parties in this perfidious practice; and it is very certain that the Portuguese Government has it in its power to exercise reprisals against the United States, by granting to their rival powers advantages in commerce, in cases in which it is disposed to give the United States the preference, if, acting in good faith, they make indemnity for the past, and secure the future.

These are the earnest sentiments and views of the Portuguese Government, which have been communicated to me, with orders to make them known to that of the United States and to the nation. I have, therefore, the honour, Sir, to communicate them to you for that purpose; and I shall be happy if the result of this communication, (which I expect from a just and liberal Government, such as is that of the United States,) may be conformable with the sentiments and the desire of the Portuguese Government.

I have the honour to be, with profound respect, Sir, your very humble servant,  
JOSEPH AMADO GREHON,  
Charge des Affaires of Portugal.

*The Secretary of State to Mr. Amado Grehon.*

DEPARTMENT OF STATE, WASHINGTON, 30th April, 1822.

SIR: Your letter of the 1st inst. has been submitted to the consideration of the President of the United States, by whom I am directed to assure you of the great satisfaction with which he has received the friendly declaration of the Portuguese government towards the United States, and the disposition manifested by them to promote the mutual interests and the amicable intercourse between the two countries, by a treaty, founded upon principles favourable to the commercial relations and industry of both. The President desires that you would, in return, make known to your government the sentiments of friendly reciprocity which animate the government of the United States towards Portugal, and the earnest wish of the President that the relations of the United States with that nation may continue on terms of the most entire reciprocity. I am, at the same time, directed to state, that the proposition of the Chevalier Correa de Serra, in his note of the 16th of July, 1820, for the appointment of commissaries, chosen by both governments, to arrange indemnities claimed by Portuguese citizens, for damages stated by them to have been sustained by reason of piracies supported by the capital and means of citizens of the United States, cannot be acceded to. It is a principle well known and well understood, that no nation is responsible to another for the acts of its citizens, committed without its jurisdiction, and out of the reach of its control. Of the numerous piracies which have, within these few years, annoyed the commerce of every maritime nation, a much greater number have been committed by the subjects of other powers, than by citizens of the United States. The lawful commerce of the United States themselves has suffered by these depredations, perhaps, more than that of Portugal. When brought within the jurisdiction of the United States, the pirates have been punished by their laws, and restitution has been made to its owners, of property captured by them. Should any citizens of the United States, guilty of piracy, be captured by the Portuguese Government, the United States will, in no wise, interfere to screen them from punishment.

The citizens of the United States are amenable, also, to the tribunals of their own country, as the people of Portugal are to theirs, for any wrong done by them to the subjects of other nations. For acts of so aggravated a nature as piracy, the authority of the Government of the United States itself is not competent to withdraw them from the jurisdiction of their natural judges, or to subject them to a trial consisting partly of foreigners and without the intervention of a jury. These principles of protection and security to individual rights, are, doubtless, well understood, and will be duly appreciated in Portugal, under the liberal system of government now established in her dominions.

The laws and the tribunals of the United States are adequate to the punishment of their citizens, who may be concerned in committing unlawful depredations upon foreigners on the high seas, at least to the same extent as the laws and tribunals of other nations. The legislation of the United States upon this subject, was even rendered more severe and effectual for the suppression of such offences, during the residence here of the Chevalier Correa de Serra; and justice, conformably to the established principles of the laws of nations, has always been rendered by the courts of the United States to the Portuguese subjects, whose property, after capture by pirates or privateers, has been brought within the jurisdiction of this nation. It will continue to be so rendered in all cases which may occur hereafter.

Of the advantages to the commerce of the United States, in the four quarters of the world, which it may be in the power of the Portuguese government to offer, it would be acceptable to receive a more particular specification, than is contained in your letter. The government of the United States would then be able to judge of their value, and of the consideration with which they may be returned. It is not perfectly understood who are meant in your note, by the "common enemies of their industry and their independence," and I am directed to ask of you a precise explanation of that expression. The government of the United States, while willing, cheerfully, to meet and reciprocate any commercial arrangement with Portugal, propitious to the interests of both nations, will not solicit, and cannot grant, any exclusive favours, to the prejudice of any other power whatsoever.

This principle, which has long been fundamental to the commercial policy of the United States, furnishes a reply to the latter part of your letter, which, in the case of a non-compliance with proposals, as I have informed you, cannot be accepted, threatens reprisals upon the United States, by granting to their rival powers, advantages in commerce, which you allege your government is disposed to give the United States, on condition of what you call indemnity for the past, and security for the future.

The government of the United States knows, that there is nothing, and has been nothing, in the relations between them and Portugal, which, by the laws and usages of civilized nations, could justify reprisals of any kind, by the latter against the United States. And, as I have assured you, that they desire no exclusive favours to the detriment of others, so they are fully persuaded, that upon further advisement, your government will perceive, that they cannot grant commercial favours to any other nation, to the detriment of the United States, without injuring their own subjects, more than the people of this Union. Such, it is believed, would be the result of any experiment of reprisals, by granting exclusive favours to one nation, with the view to damage another. The party granting exclusive favours, is the party most severely punished.

Far more agreeable will it be to the government of the United States, to reciprocate, as heretofore, with that of Portugal, offices of kindness and good will, and to promote the friendly intercourse between the two nations, by a multiplication of good offices, and of all the sources by which the interests of both may be advanced.

I pray you, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION].—Chec. Amado Grehon to the Secretary of State.

PHILADELPHIA, 3d May, 1822.

SIR: I have the honour to inform you, that I have just received your letter which you addressed to me on the 30th of last month.

The explanation which you demand of me, and which I am to give you, according to what I meant by saying, "the common enemies of their industry and of their independence," and which appears to me to be clearly expressed, is this; all nations in general, who act contrary to the two principles, of our industry and of our independence. I have the honour to be, Sir, with all consideration and profound respect, your very humble servant,

JOSEPH AMADO GREHON, Charge des Affaires of Portugal

Hon. JOHN Q. ADAMS, Secretary of State of the United States.

[TRANSLATION].—Chec. Amado Grehon to the Secretary of State.

PHILADELPHIA, 5th May, 1822.

SIR: I make it my duty to acquaint you, that, by the packet of the 10th of this month, I shall have the honour to remit to my Government, a copy of your note of the 30th of April last, that it may understand, without delay, the sentiments of reciprocal friendship which animates the Government of the United States towards the Government of Portugal, and the great desire of His Excellency, the President, that the relations between the two nations, may continue on terms of the most perfect cordiality; and, that I may, at the same time, be able to inform my Government of the principle well known, and well understood, as you call it, as well as of other principles which you have developed in your said note: on which, I think that it would be well to say more, and that my Government will give the solution of it, if it judge proper to do so, and also, the more particular specification which you desire; as for my part, I have only pointed out the sentiments and the views which now exist in the Portuguese Government, according to the orders which I have received in that regard. I have the honour to be, with the greatest consideration and profound respect, Sir, your most humble servant,

JOSE AMADO GREHON,  
Charge des Affaires of Portugal

Hon. JOHN Q. ADAMS, Secretary of State of the United States.

Extract of a letter from General Dearborn to the Secretary of State, dated

Lisbon, 28th August, 1822.

"When the Minister for Foreign Affairs called on me, soon after my arrival in the city, some observations occurred in relation to our late treaty with France, which the minister had not seen; and having a newspaper containing a copy of the treaty, I gave it to him. He then mentioned our treaty with Great Britain with approbation, observing that that treaty would be his model. Presuming, from his observations, that he did not possess a copy of it, I have had one fairly made out and presented to him. My principal motive for furnishing him with those copies, was, that of giving to the minister and his Government a fair sample of the general policy and practice of our Government, in regard to commercial regulations with foreign nations, and that it might operate as a preparatory step to a negotiation on commercial regulations. I shall consider the answer to my note as acquiescing in the hope expressed in my note, and inform him that I possess full powers for commencing negotiations for forming a treaty, or convention, regulating commerce between the United States and Portugal, and propose a personal interview as a preparatory step."



*Extract of a letter from Mr. Dearborn to the Secretary of State, dated  
Lisbon, 10th October, 1822.*

"On the 3d of September, I had a conference with his Excellency the [Secretary of] State for Foreign Affairs, by his appointment. Mr. Brent accompanied me as an interpreter; and, after some conversation on general topics, the minister introduced the subject of the conference, and observed, that a treaty for regulating the commerce between the two countries was very desirable on the part of Portugal, such as would be mutually advantageous. I then observed, that being empowered by the President of the United States, I was disposed to commence an arrangement on the subject of commerce as early as would be agreeable to him, and would propose our convention with Great Britain as a basis, with such additions as would be mutually advantageous to our countries, respectively, wishing only such conditions as would operate perfect reciprocity and mutual advantage, and that we did not desire any exclusive advantages or privileges; but, considering the great extent of the United States, with her numerous ports and diversity of productions, it would be expected, on the part of the United States, that the whole of the colonies of Portugal should be included in the arrangement, and that, in every respect, we should be entitled to whatever privileges or immunities are, or may be, enjoyed by the most favoured nation. The minister then observed, that he fully approved of the general principles, as stated by me, but intimated some doubts as to what might be proper in relation to the Brazils, under the existing circumstances and condition of that country; and suggested the necessity of leaving it out of the treaty, or to so modify whatever should relate to it, as would provide for any future change of circumstances. I observed that it might not be difficult to form an article that would apply to any change that might occur in that country; with which he appeared to acquiesce. He then inquired whether I was authorized to enter into any other kind of Treaty; and, on my answering in the negative, he appeared (as I thought) to be pleased. He then proposed that I should make out a sketch of such a treaty, or convention, as would be satisfactory to my Government, that his Government might take it under consideration. I replied, that as we appeared to entertain similar views on the subject, it would be more desirable, on my part, that he would make out the outline of one that would be satisfactory to his Government. After some general observations, he proposed that we should each make out such a sketch as we, respectively, think proper; and to have another conference for the [purpose] of comparing our respective sketches; to which I readily assented. He then said, that as soon as he could lay the subject before the council, he would prepare a sketch, and would notify me when we should have another meeting. And here our conference ended.

"I immediately made out the outlines of a convention, or treaty, a copy of which I have the honour of enclosing; and I have waited for an invitation to the proposed interview, but have not yet received any such notice; but knowing how constantly this Government has been occupied, for some time past, with concerns of the highest interest and importance, I am disposed to make all reasonable allowance for the delay of a second conference."

**PROJECT OF A CONVENTION.**

ART. I. There shall be, between the whole of the territories of the United States of America, as now existing, or as they may hereafter exist, and all the territories of His Most Faithful Majesty, in Europe or elsewhere, as existing at this time, or as may hereafter exist, being under their controul, respectively, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty, freely and securely, to come with their vessels and cargoes to all such places, ports, and rivers, in any of the territories aforesaid, to which any other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also, to hire and occupy houses and stores, for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their persons and commerce, but subject always to the laws and statutes of the two countries, respectively.

ART. II. No higher or other duties shall be imposed on the importations into the United States of any articles, the growth, produce, or manufacture of His Most Faithful Majesty's territories, in Europe or elsewhere, and no higher or other duties shall be imposed on the importation into the territories of His Most Faithful Majesty, in Europe or elsewhere, of any articles, the growth, produce, or manufacture of the United States, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture of any other foreign country: nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States, or to His Most Faithful Majesty's territories in Europe or elsewhere, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce, or manufacture of the United States, or of His Most Faithful Majesty's territories in Europe or elsewhere, or to or from the United States, which shall not extend to all other nations.

No higher or other duties or charges shall be imposed, in any of the ports of the United States, on Portuguese vessels, than those payable in the same ports by vessels of the United States, nor in any of the ports within the territories of His Most Faithful Majesty, on vessels of the United States, than shall be payable in the same ports on vessels belonging to the dominions of Portugal, in Europe or elsewhere.

The same duties shall be paid on the importations into the United States of articles, the growth, produce, or manufacture, of the dominions of His Most Faithful Majesty, in Europe or elsewhere, whether such importations shall be in vessels of the United States, or in vessels of Portugal or any of her colonies; and the same duties shall be paid on the importations into any of the ports of Portugal, or her colonies, of any articles, the growth, produce, or manufacture of the United States, whether such importations shall be in vessels of Portugal or her colonies, or in vessels of the United States.

The same duties shall be paid, and the same bounties allowed, on the importation of any articles, the growth, produce, or manufacture of his Most Faithful Majesty's dominions, in Europe or elsewhere, to the United States, whether such exportations shall be in vessels of the United States, or in vessels of

Portugal or her colonies; and the same duties shall be paid, and the same bounties be allowed, on the exportation of any articles, the growth, produce, or manufacture of the United States, to the territories of his Most Faithful Majesty, in Europe or elsewhere, whether such exportations shall be in vessels of the dominions, in Europe or elsewhere, of his Most Faithful Majesty, or in vessels of the United States.

It is further agreed, that in all cases where drawbacks are, or may be, allowed upon the re-exportation of any goods, the growth, produce, or manufacture of either country, respectively, the amount of the said drawback shall be the same, whether the said goods shall have been originally imported in a vessel belonging to the dominions of Portugal or her colonies, or a vessel of the United States; but when such re-exportation shall take place, from the United States in a Portuguese vessel, or from the dominions of his Most Faithful Majesty, in Europe or elsewhere, in a vessel of the United States, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

ART. III. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside, in the dominions and territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that in case of illegal or improper conduct towards the laws of the Government to which he is sent, such consul may either be punished according to law, if the laws will reach the case, or be sent back; the offended Government assigning to the other reasons for the same.

*Extracts of a letter from Mr. Dearborn to the Secretary of State, dated,  
Lisbon, December 13, 1822.*

"From the apparent intentional delays on the part of this Government, in relation to the proposed commercial regulations between the two countries, combined with the existing state of affairs of this country, I am satisfied that I must expect further delays. The relations respecting Brazil; the completion of the organization of the Government under the new constitution; the refusal of the Queen to subscribe and swear to the constitution as the law directs; and negotiations with Spain, for forming a treaty of alliance, together with the anxiety which generally prevails, in regard to what may be the result of the deliberations of the Congress at Verona, all conspire to afford an apology for the delays above referred to."

"Mr. Correa was appointed by the King to negotiate a treaty with me, of which I was informed by the Secretary of State, on the 20th day of October, but having been elected a member of the Cortes, he declined the appointment, and, although the Secretary of State assured me some other person would be soon appointed, no appointment has yet been made."

*Extracts of a letter from Gen. Dearborn to the Secretary of State, dated  
Lisbon, January 30, 1823.*

"I embrace the opportunity of adding to my other communication, by informing you, that I have had two meetings with the Count da Lapa, who has been appointed Plenipotentiary on the part of Portugal, for negotiating and completing a commercial treaty with the United States; and having exchanged our full powers, a conversation ensued, in which the Count expressed sentiments fully according with those heretofore expressed by Mr. Pinheiro, Secretary of State for Foreign Affairs, as noticed in the letter I had the honour of writing to you, on the 13th of December, which induces a reasonable hope, that a satisfactory arrangement may be effected; but I am not without some doubts as to its being the real intention of this Government to conclude a treaty immediately, although the Secretary but a few days since, verbally assured me, that there existed no obstacle in the way of a speedy conclusion, of such a convention or treaty, as would be mutually satisfactory. It must very soon be ascertained, whether words and actions so fully correspond as would be desirable."

"We shall have another conference within a few days, when I shall be able to ascertain, with more certainty, how our ideas correspond with each other. Having, at his desire, furnished him with the basis and outlines of such a treaty, as would be satisfactory to the United States, he will, of course, express his opinion at our next meeting on the basis and outlines by me proposed, by which it may be understood, whether we shall be likely to succeed ultimately, or not, in a satisfactory arrangement."

*Extract of a letter from Gen. Dearborn to the Secretary of State, dated  
Lisbon, February 20, 1823.*

"The Count da Lapa has agreed to the basis I had proposed for a treaty; but, by his instructions, he considers it necessary to divide the treaty into three distinct heads, viz. navigation, commerce, and persons, and he has agreed to furnish me immediately with a sketch of the first head, and soon after, with the second. I have some doubts whether his second part will be acceptable, but I hope that, within a few days, my doubts may be removed. He does not appear to be in any haste, and I have an opportunity for the full exercise of my stock of patience."

*Extract of a letter from General Dearborn to the Secretary of State, dated  
Lisbon, March 3, 1823.*

"I have not yet heard from the Count da Lapa, since the 10th ultimo, when he agreed to make out the form of the first head of the treaty, and call on me within the course of that week; but subsequently to our last meeting, a report was made to the Cortes, on the subject of the present existing treaty with England, particularly in relation to the article which stipulates that certain English manufactures should be admitted into Portugal, on paying a duty of fifteen per cent. on their cost. The report concluded by saying that, under existing circumstances, the Portuguese Government have the right to suspend the operation of the article alluded to, until new negotiations should be had on the subject. The report was sanctioned by a vote of the Cortes. I presume that the discussion of this subject, by a committee, and by the Cortes, has occasioned the



long delay on the part of the Count de Lapa. By the abovementioned report, it appears, that negotiations have been going on between Portugal and Great Britain, for some time, with a view, on the part of the former, of effecting such alterations in certain parts of the existing treaty, as would enable her to enter into such liberal and reciprocal commercial treaties with other nations as would be acceptable. But it appears, by the said report, that England, as might be expected, is very unwilling to relinquish any of the exclusive advantages she now enjoys, under the present treaty; and I am persuaded, that this Government still finds itself embarrassed by certain stipulations in her treaty of 1810, with Great Britain, and that, to that source, the long delays I have experienced are to be principally attributed. I am satisfied, however, that the Government is very earnestly engaged in endeavouring to effect such arrangements with England, as may be necessary for preparing the way for a liberal and reciprocal treaty with the United States."

*Extract of a letter from General Dearborn to the Secretary of State, dated*  
Lisbon, March 24, 1823.

"Our negotiation has been suspended for some time, and will not, I presume, be recommenced until the present unfortunate affair shall be decided."

*Extract of Despatch, No. 9, from General Dearborn to the Secretary of State, dated*

Lisbon, June 4, 1823.

"Nothing favourable to a speedy completion of the proposed commercial treaty has occurred for several months past, and I have waited with a hope that the repeated assurances of the late Minister might be verified, until a counter revolution has been actually effected, and the King again restored to absolute power. It is very evident that the concluding of any commercial regulation with this government, such as could be acceptable to the United States, will be procrastinated, so long as this Government shall continue to consider the friendship of Great Britain as essential to its safety. I shall endeavour, as early as possible, to learn the disposition of the King and his Minister, in relation to the renewal of the negotiations, and the probability of a satisfactory result."

*Extract of Despatch, No. 10, from General Dearborn to the Secretary of State, dated at*

Lisbon, June 29, 1823.

"I have now the honour of transmitting copies of my correspondence with the late Minister and Count de Lapa. I have not had any other correspondence with the present minister for Foreign Affairs, Count Palmella, than that of receiving a note from him announcing his being the Secretary of State for Foreign Affairs, to whom I should, in future, address any communication I might have occasion to make to this Government, and my answer, together with a ceremonious call upon him, and have had no means of ascertaining the present disposition of this Government in relation to commercial arrangements with us, excepting the assurance of the King, which I noticed in my last letter."

*Copy of a Letter from Mr. Dearborn to the Count de Lapa.*

Lisbon, 8th March, 1823.

SIR: Being quite at leisure, I take the liberty of giving you an historical sketch of the pending negotiations between the United States and Portugal.

Considering the facts and circumstances set forth in it, combined with the recent report of a committee to the Cortes on the subject of the existing treaty with Great Britain, I cannot avoid being impressed with the belief that, owing to these or other circumstances, the present time is not considered as propitious by this government for concluding such a treaty with the United States as has been contemplated; and as I am not authorized, nor inclined, to urge the conclusion of a treaty on your government, I am induced to suggest, with candour, the expediency of an entire suspension of the negotiation, as preferable to such a protracted one as may probably extend beyond the term of my mission. I beg leave, at the same time, to assure you, that this frank communication is entirely unassociated with the slightest unfriendly feelings, or with any disposition to censure, or complain; being satisfied, as I am, that His Most Faithful Majesty and his government are disposed to act, not only with good faith, but in the most friendly manner, to the United States.

I renew the assurances of the high consideration and particular esteem with which I have the honour to be, your Excellency's obedient servant,

HENRY DEARBORN.

To the COUNT de LAPA, &c. &c. &c.

#### SKETCH.

Soon after my arrival here, I received information from his Excellency, Silvestre Pinheiro Ferreira, Minister and Secretary of State for Foreign Affairs, showing a desire on the part of His Most Faithful Majesty's government for entering into liberal arrangements with the United States in relation to commerce, with a disposition for drawing closer the bonds of friendship between the two nations. After informing his Excellency that I possessed full power for negotiating and concluding such commercial arrangements, we had a conference, in which it was agreed that we should adopt for a basis of a treaty, the general principles of the late treaty, or convention, between the United States and Great Britain; and ultimately agreed, that each of us should make out a sketch of such a treaty, as would be in conformity with the convention above alluded to, and would be satisfactory to our respective governments; and within a few days I was to be notified of another meeting, for the purpose of comparing our sketches of a treaty; this was on the 3d of September. On the 20th of October, I received information from His Excellency the Secretary of State, that his Majesty had appointed the Commandeur Correa de Serra, as a commissioner to treat with me. I immediately answered the note, and observed, that I should, with pleasure, meet the Commandeur Correa de Serra at such time and place he should please to appoint. I heard nothing from the Commandeur; and on the 24th December I received a note from the Secretary of State, informing me

of the appointment of the Count de Lapa, as plenipotentiary to treat with me. In the mean time, I had a conference with his Excellency the Secretary of State, and informed him that I had written to my Government to the following effect: That I had reason to believe, from the long suspension of the negotiations, that this government found itself so embarrassed with the affairs of Brazil, the organization of the several departments of the new government, with negotiations with Spain, and by the existing treaty with Great Britain, as might be considered a reasonable excuse for postponing the negotiations with me, at least, for a time. I then observed to Mr. Pinheiro, that neither my instructions, nor my own feelings, would allow me to urge his government to a conclusion of a treaty; and that I had not made the statement to my government by way of complaint. Mr. Pinheiro explicitly replied to my observations in detail, and declared, that neither of the circumstances I had mentioned, formed any obstacle to the conclusion of the proposed treaty between Portugal and the United States; and that the Count de Lapa would, within a few days, recommence with me, the negotiations. The Count very soon called on me; and, as was proposed by him, it was agreed that the conferences should be held at my house. A day was appointed for the exchange of our respective full powers; and, after the exchange of powers, a day was agreed on for a conference, and I, at the same time, delivered to the Count my sketch of a treaty, and on the tenth of February had a meeting, and discussed the subject generally, and mutually agreed to adopt the sketch I had made out, with some unimportant exceptions; which exceptions were agreed to and minuted. The Count de Lapa having proposed a regular division of the treaty into three heads, to wit: Navigation, Commerce, and Persons, I made no objection, and he agreed to make out the form of the first head, which he proposed showing to me in the course of that week. It is now the 8th day of March, and I have not had the honour of hearing from the Count since the 10th of February. HENRY DEARBORN.

*The Count de Lapa to Mr. Dearborn.*

The undersigned has the honour of informing his Excellency General Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the United States, of His Most Faithful Majesty's invariable desire for the conclusion of a treaty with the United States. The same reasons that have been expressed to H. E. of there being no difficulties to its conclusion subsist, and the state in which the negotiation may be considered to be, is an incontestable proof of it. The good faith with which his majesty praises himself, of corresponding to the sentiments of the Government of the United States, and its not urging for the brevity, have retarded the proceedings, where extraordinary concurrences have happened.

This frank declaration seems to the undersigned as answering the different points mentioned by his excellency in his letter and historical sketch of the negotiation.

The undersigned avails himself of this opportunity to renew the assurances of his particular esteem and perfect consideration.

THE COUNT DA LAPA.

Lisbon, 12th March, 1823.

(The original of this letter is in English.)

*Mr. Dearborn to Mr. Pinheiro, Minister of Foreign Affairs.*

Lisbon, April 18, 1823.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, near His Most Faithful Majesty, having very recently seen what is stated to be a decree of His Most Faithful Majesty, dated March 12th, 1823, relating to the treaty of 1810, between Portugal and Great Britain, and particularly to the 15th article of the said treaty. The confidence which he has, in the candor of his excellency Mr. Pinheiro, Minister of Foreign Affairs, induces him to take the liberty of asking his excellency whether this decree, or the pending negotiations of the new treaty between Portugal and Great Britain, referred to in the decree, will interfere, in any manner, with the negotiations respecting the treaty between Portugal and the United States, which has been proposed, and, to a certain extent, mutually agreed on.

If, from the above mentioned decree, or from the pending negotiation with Great Britain, or from any other consideration, a temporary suspension of the negotiation between Portugal and the United States would be convenient to the government of His Most Faithful Majesty, the undersigned will readily acquiesce in such a suspension.

The undersigned renews to his excellency the assurance of his high consideration and particular esteem.

HENRY DEARBORN.

[TRANSLATION.]—*Mr. Silvestre Pinheiro Ferreira to General Dearborn.*

The undersigned, Minister and Secretary of State for Foreign Affairs, having before him the note of General Henry Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the United States of North America, under date of the 18th of last month, takes pleasure in repeating to his excellency what he had, verbally, the honour of affirming to him twice before, when his excellency made him the same request; besides what, a short time since, the Count de Lapa had ordered to repeat, in answer to a letter which his excellency addressed to him upon the same subject, dated 8th March last, agreeing, in this point entirely with the government of the United States, in regard to the importance of the treaty in question.

The undersigned, on this occasion, renews to his excellency the assurances of his perfect consideration.

SILVESTRE PINHEIRO FERREIRA.

Office of the Secretary of State for Foreign Affairs, 2d May, 1823.

*Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States, at Lisbon, to the Secretary of State, dated*

Lisbon, July 15, 1823.

"Having obtained no satisfactory information from the present government, in regard to its disposition in relation to commercial regulations, I addressed a note to the Marquis of Palmella on the 8th instant, a copy of which I have the honour of enclosing, No. 1; and on the 12th I received an answer, a copy of which is also enclosed, No. 2."



No. 1.—*Mr. Dearborn to his Excellency the Marquis de Palmella, Minister and Secretary of State for Foreign Affairs, to His Most Faithful Majesty.*

SIR: Presuming that your Excellency has been made acquainted with the measures which have been pursued, in relation to a commercial treaty between His Most Faithful Majesty and the government of the United States of America, and of course, with the basis and principles agreed on by the Count de Lapa, on the part of His Most Faithful Majesty, and by the undersigned on the part of the United States. The undersigned will esteem it a favour, to be informed, as early as may be quite convenient to your Excellency, what may be the present disposition of His Most Faithful Majesty's government, in relation to a completion of such a commercial treaty between the two countries, as has already, to a certain extent, been mutually agreed on.

Be assured, sir, that it is with the greatest pleasure, that the undersigned embraces the present occasion for presenting to your Excellency his most respectful and friendly regards.

HENRY DEARBORN.

[TRANSLATION.]—*The Marquis de Palmella to General Dearborn.*

The undersigned, Counsellor, Minister, and Secretary of State for Foreign Affairs, having received the note which, of the date of the 8th instant, General Henry Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the Government of the United States of America, addressed to him, relative to the intended commercial treaty between His Most Faithful Majesty, and the Government of the same United States, has the honour to answer His Excellency, that the present events not having yet permitted a full investigation of this business to be made, the undersigned will, as soon as possible, apply himself to it, and then will have much satisfaction in inviting His Excellency to a conference.

Upon this occasion the undersigned repeats to Sen. Henry Dearborn, the assurances of his particular esteem and perfect consideration.

Office of the Secretary of State for Foreign Affairs, 10th July, 1823.

THE MARQUIS DE PALMELLA.

*Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated*

"Lisbon, July 21, 1823.

"By the request of the Marquis of Palmella, I waited on him on the 15th instant; his manner and deportment was pleasing; he observed that he had been so constantly occupied with business hitherto, as not to have had it in his power to examine the correspondence in relation to the proposed commercial treaty between Portugal and the United States, but that certainly he would attend to it very soon; and that whatever commercial regulations might be framed between the two countries, to be useful and durable, must be perfectly reciprocal; and that he thought the late treaty between the United States and Great Britain, a good model."

*Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States, at Lisbon, to the Secretary of State, dated*

"Lisbon, October 25, 1823.

"Having received no intimations from this government, of a disposition for recommencing negotiations for a commercial treaty, I begin to doubt whether any further progress may be expected; but a few months more must afford sufficient time for either completing what has so long since been begun, or for ascertaining the real dispositions of this government on the subject."

*Extract of a letter from Henry Dearborn, Minister Plenipotentiary United States, at Lisbon, to the Secretary of State, dated*

"Lisbon, November 7, 1823.

"The vessel by which my other letters will be conveyed, not having sailed, I have concluded to profit by the delay, by writing a note to the Marquis de Palmella, as my probable last effort for drawing from him the real disposition and intention of this government, in relation to a renewal of the negotiation for a commercial treaty; a copy of which note, I have the honour of enclosing. I hope I may receive his answer, before the vessel sails, so that I may have the honour of enclosing it with my other letters; if not, I will forward it by the earliest opportunity."

*General Dearborn to the Marquis of Palmella, Counsellor of State, Minister and Secretary of State for Foreign Affairs.*

"Lisbon, November 7, 1823.

SIR: Several months having elapsed since your excellency was pleased to say, that you would, as soon as possible, look over the papers relating to the commercial treaty, which had, to a certain extent, been mutually agreed on, by the Count de Lapa, on the part of His Most Faithful Majesty, and myself, on the part of the United States, and that you would give me early notice of your having examined the subject; and your excellency was pleased to express an opinion, that a treaty on the basis of our treaty with Great Britain, would be most desirable, I at the same time informed your excellency, that my government did not wish me to press this government on the subject of a treaty, but, if it should find it inclined to enter into liberal and reciprocal arrangements, to shew an equal desire, on my part, for forming a treaty on the basis of the late treaty between the United States and Great Britain. I have, therefore, waited for a communication from your excellency, as proposed at our last conference at your excellency's office; but not having received any intimation of a desire on the part of His Most Faithful Majesty's Government, to renew the negotiation, I conclude that I may now, with propriety, state to my government that there is very little, if any, probability, of effecting any commercial arrangement with this government within the probable term of my mission. My motive for communicating the foregoing observations to your excellency, is no other than that of merely placing the subject once more before your excellency, in a plain and candid manner, free from any complaint on my part, or a disposition to urge the renewal of the negotiation.

I renew to your excellency the assurance of my distinguished consideration and respect,

HENRY DEARBORN.

*Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States, at Lisbon, to the Secretary of State, dated*

Lisbon, November 27, 1823.

"On the 12th instant I received a note from the Marquis de Palmella, in reply to my note to him of the 7th, of which I had the honour of enclosing a copy in my letter to you, of the 9th. The Marquis proposed a conference on the 14th, at his office; I waited on him accordingly; he very candidly admitted, that, previous to the expiration of the term of the fifteen years, stipulated in their treaty with England, concluded in June 1810, and to such modifications of said treaty, as would remove the obstacles now existing, to a satisfactory arrangement with the United States, the government of his Most Faithful Majesty could not, with propriety, form any such treaty with the United States, as is desirable, but that we might, nevertheless, form a short convention, merely relative to navigation, which would be a commencement of such a friendly and reciprocal arrangement, as both governments desired, which should be on the basis of our convention with Great Britain. I agreed to make a sketch of such a short convention, relating to navigation, as he had proposed, and accordingly made out one and sent it to him on the 19th, a copy of which I have the honour of enclosing. I met the Marquis on the 22d, when he assured me, that within a very few days, he would communicate to me the result of his Majesty's decision, on the sketch I had proposed. I doubt whether the 3d article will be considered as admissible at present, and whether we shall ultimately agree on any thing, that will be of much consequence; but, by the 1st and 2d articles, some advantage would be gained, as we have so great a number of vessels entering the ports of Portugal, compared with the Portuguese vessels that enter the ports of the United States."

#### PROJECT OF A TREATY.

*Article I.*—There shall be a reciprocal liberty of navigation and commerce between the United States of America and the Kingdom of Portugal, and such of her colonies as any other foreign nation are, or shall be, allowed to carry on commerce with.

The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their vessels and cargoes to all such places, ports, rivers, and harbours, in their respective territories, to which any other foreign vessels are or shall be permitted to come; to enter into the same, and remain and reside in any parts of the said territories, respectively; also, to hire and occupy houses and stores for the purpose of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, persons, and property, but subject always to the laws and statutes of the two countries respectively.

*Article II.*—No higher tonnage, anchorage, light money, or other charges of any kind, shall be imposed on vessels belonging to the subjects of his Most Faithful Majesty, on entering any of the ports of the United States, whilst remaining in port, or on clearing out and leaving any of the said ports, than shall be paid on like vessels belonging to citizens of the United States arriving from foreign ports, other than those belonging to the United States. Nor shall any higher tonnage, anchorage, light money, or other charges of any kind, be imposed on vessels belonging to citizens of the United States on entering any of the ports of Portugal, or such of her colonies as foreign vessels may be allowed to enter; or while remaining at, or on clearing out and leaving any of the said ports, than shall be paid on like vessels belonging to subjects of his Most Faithful Majesty, arriving from foreign ports, other than those belonging to the dominions of his Most Faithful Majesty.

*Article III.*—No higher duties shall be paid on articles the growth, produce, or manufacture of Portugal, or such of her colonies as vessels of the United States shall be allowed freely to trade with, being imported into the United States in vessels belonging to Portugal or her colonies, as aforesaid, than would be paid on similar articles imported into the United States, in vessels of the United States. Nor shall any higher duties be paid on articles, the growth, produce, or manufacture of the United States, being imported into Portugal or her colonies, as aforesaid, in vessels of the United States, than would be paid on similar articles imported in vessels of Portugal or her colonies, into the ports of Portugal.

*Article IV.*—It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party, but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct towards the laws of the government of the country to which he is sent, such consul may be punished according to law, if the laws will reach the case, the offended government assigning to the other the reasons for the same.

*Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States, at Lisbon, to the Secretary of State, dated*

Lisbon, January 26, 1824.

"Since the date of my letter of the 27th November, in which I have the honour of enclosing a sketch of a short convention, as proposed by the Marquis de Palmella, I have heard nothing from him on the subject; and, under existing circumstances, I have not deemed it expedient to press the subject any further, or to attempt to refresh his memory; being fully satisfied that, whatever might have been his own views, he has found such insurmountable obstacles to carry them into practical effect, as has compelled him to be silent. I am fully convinced that there remains no probability of effecting any satisfactory arrangement with this government at present."

*Extract of a letter from General Dearborn to Mr. Adams.*

"Lisbon, March 4, 1824.

"I have received no intimation from the Marquis de Palmella, in relation to the proposed convention, since the date of the last letter I had the honour of writing to you; nor is it probable I shall; of course I am quite at leisure.

"I have not yet received the copies of the regulations of the custom houses of Portugal, and her colonies, which I had expected to receive as early as the first of December.

"I am now anxiously looking for the President's permission to return home, as early as I proposed in my former letters."



## Documents.

IN SENATE OF THE UNITED STATES, April 2, 1824.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of Thomas Johnson, late a purser in the Navy of the United States, made the following REPORT:

That the petitioner, in behalf of himself, the officers, and crew, of the frigate Constitution, Commodore John Rodgers, commander, represents, that the said frigate Constitution, in the month of April, 1805, detained and captured, off the harbour of Tripoli, a certain Tunisian corsair, and two Neapolitan vessels, with their cargoes, her prizes, for a violation of the blockade of the port and harbour of Tripoli; that the said Tunisian cruiser, with her prizes, were sent to the Island of Malta, and there sold by William Higgins, at that time Navy Agent of the United States, for the benefit of the captors, on the 30th September, 1805, who, on the 31st December following, passed the amount to the credit of the United States' Navy Department, in a sum equal to \$4,922 80; which sum the petitioner alleges, was disbursed by the said Navy Agent for the use of the American squadron then in the Mediterranean, as will appear by the accounts of the said Higgins; and, as the United States have, as the petitioner contends, had the use of the money for eighteen years, he prays that relief may now be granted, by Congress passing an act, requiring the Secretary of the Navy, or the proper authority, as may be, to pay over to the petitioner the whole amount of the nett proceeds of the sale of said prizes, amounting to the sum aforesaid of \$4,922 80; for the use of himself, the officers, and crew, of the frigate Constitution, to be by him distributed, as the law directs.

In examining this subject, the committee find that the account of sales by said Higgins, of the said captured vessels, is dated September 30th, 1805; that, in April, 1806, he made out his account against the United States, stating a balance then due to him, of \$32,173 21; for which, Commodore Rodgers passed his bills of exchange and settled the account, in which account, no notice whatever is taken of the said prizes, nor of the proceeds of the sale of them, although the latter are stated to have been credited to the United States four months before, to wit: on the 31st December, 1805; but, that, nearly three years after the American squadron had left the Mediterranean, to wit: January 10th, 1809, the said Higgins transmitted a yet unsettled account against the United States, in which the said sum of \$4,922 80 was credited under December 31st, 1805, and making, according to his statement, a balance due from him of \$1,340; but this account was never audited by the accounting officers of the United States, nor admitted to be correct; on the contrary, there was a previous balance due from Higgins, and which he omitted to credit, of \$11,361 94; and a charge made in the said account, for his services, of \$1,600 a year, for three years and eight months, in addition to a commission allowed him, on purchases, double in amount to the usual commission in this country, which said charge of \$1,600 a year was wholly unauthorized; and making a further sum of \$5,866 66 to be carried to his debit; leaving, at the time of the date of the said account, if correctly stated and settled, the aggregate sum of \$18,566 60 cents then due, and now due, from him to the United States; thus, making it apparent, that the proceeds of the said prizes had not been disbursed for the use of the United States.

And the committee further report, that there is no evidence on file in the Navy Department to shew, that the said Higgins was ever appointed by, or empowered to act, or recognized as ever having acted, as a Prize Agent of the United States; that the officers of the United States' Navy had no power without the direction or cognizance of the Government, to constitute him an Agent for the sale of prizes, and for the receipt of the proceeds, to such an extent as to make the United States responsible to them for his proceedings; and, there is some reason to infer, that he did not, at the time, so consider himself, inasmuch as, in an account settled seven months after the sale of the prizes, and with the commander of the squadron in person, no notice whatever is taken of the proceeds; leaving it, as it is natural to infer, not as being a depending concern, between him and the United States, but as a business to be adjusted between him and his employers, who had placed the property in his hands. Indeed, the whole transaction has somewhat of an informal character; the vessels were captured and sold, as the committee believe, without libel, adjudication, or condemnation, and two of them are stated to have belonged to a power at peace with the United States, and to whom, or to some of its agents, upon principles of national comity, it would seem, they should have been restored, on the pay-

ment of an adequate salvage to the captors; but the small value of the vessels, the general impression in reference to the character and habits of the power, against whom the blockade was instituted, although admitted to have a national existence, by the reciprocal occasional interchange of ministers and consuls, and the formation of treaties, may furnish an excuse for the irregularity referred to; at the same time, that the gallantry and disinterestedness of the commander of the squadron are considered as above all question; while the petitioner, in some explanations he has furnished, further states, that "it was a fact well known at the time to the captors, as well as to the Navy Agent at Malta, that this capture was the basis on which the Bey of Tunis urged his pretensions and claims to make reprisals on the United States;" and that "it induced him to send an Agent to the United States to treat with the Government, on this and other minor matters of which he complained; and that a final and satisfactory arrangement was effected, on this and every other subject of difference, in the course of 1806."

Rendering it not improbable, that the United States, as they had to support this Agent when here, not only did not receive, nor benefit by, the proceeds of the captures aforesaid, but ultimately disbursed at least double the amount thereof in consequence of having made them.

On the whole view of the subject, the committee are therefore unanimously of opinion that no just claim exists against the Government for the proceeds of the prizes aforesaid; and they therefore recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner ought not to be granted.

## Laws.

CHAP. 140. An ACT to authorize the creation of a stock to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the Treaty with Spain, of the twenty-second of February, one thousand eight hundred and nineteen.

[SECT. 1.] *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the purpose of providing funds to discharge the awards of the Commissioners under the Treaty with Spain, of the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, the Secretary of the Treasury be, and he is hereby, authorized with the approbation of the President of the United States, to cause to be issued and sold to the Bank of the United States, or others, at a sum not less than the par value thereof, certificates of stock of the United States, to any amount not exceeding the sum of five millions of dollars, and bearing an interest of not exceeding four and one half per centum per annum, from the period of the sale thereof; which stock so created, shall be redeemable at the pleasure of the United States, at any time after the first day of January, in the year one thousand eight hundred and thirty-two. And, upon the sale of such stock, in manner aforesaid, credit or credits to the proprietors thereof, shall thereupon be entered and given on the books of the Treasury, in like manner as for the present funded debt; which said credits or stock shall thereafter be transferable as other public stock of the United States.

SECT. 2. *And be it further enacted*, That the moneys which may be received from the issuing and sale of the aforesaid certificates of stock, shall, (be) and the same are hereby, directed to be applied to the payment and discharge of the awards of the Commissioners under the Treaty with Spain of the twenty-second day of February, in the year eighteen hundred and nineteen. *Provided, also*, That, in all cases where the person or persons, in whose name, or for whose benefit and interest, the aforesaid awards shall be made, shall be in debt and in arrears to the United States, the Secretary of the Treasury shall retain the same out of the amount of the aforesaid awards, in the first instance, and a warrant or certificate, as the case may be, shall only issue for the balance.

SECT. 3. *And be it further enacted*, That a sum, equal to what will be necessary to pay the interest which may accrue on the said stock, to the end of the present year, be, and the same is hereby, appropriated for that purpose, to be paid out of any moneys in the Treasury not otherwise appropriated.

[Approved, May 24, 1824.]